Attorney's Docket No.: 10964-057001 / PP 765 Applicant: Arne W. Ballantine et al.

Serial No.: 09/896,268 Filed : June 29, 2001

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## **REMARKS**

Applicants amended claims 1, 12, 15, 17-19 and 24, and cancelled claims 11 and 59. Claims 1, 7-10, 12-38 and 60-89 are presented for examination.

The Examiner rejected claim 24 and its dependent claims 25-38 under 35 U.S.C. §112. first paragraph as failing the enablement requirement. Applicants amended claim 24 to obviate this rejection, so the rejection should be withdrawn.

The Examiner rejected claim 1 and its dependent claims 7-10 and 23 under 35 U.S.C. §102(e) as being anticipated by Ogawa. Applicants amended claim 1 to include the limitations of previously pending claim 11. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claim 1 and its dependent claims 11-22 under 35 U.S.C. §103(a) as being unpatentable over Ogawa in view of Farkash. Applicants amended claim 1 to include the limitations of claim 11, and Applicants cancelled claim 11. Thus, each of claims 1 and 12-22 include the limitations of previously pending claim 11. Farkash is a 35 U.S.C. §102(e) reference, and both Farkash and the present application have the same assignee. Applicants therefore believe that it is improper for the Examiner to cite Farkash in a rejection under 35 U.S.C. §103(a). (See 35 U.S.C. §103(c).) Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner also rejected claims 60-89 under 35 U.S.C. §103(a) as being unpatentable over Ogawa in view of Farkash. For the reasons noted above, Applicants believe it is improper for the Examiner cite Farkash in a rejection under 35 U.S.C. §103(a). (See 35 U.S.C. §103(c).) Applicants therefore request reconsideration and withdrawal of this rejection.

Applicants believe the application is in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050.

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Respectfully submitted,

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